

Appl. No. 10/759,249
Resp. dated Nov. 12, 2009

Reply to 5th OA of Aug. 12, 2009

REMARKS

The August 12, 2009 Office Action rejected all claims pending, 1-5 and 7-11, and objected to claim 1. The present Response amends claims 1 and 7 and provides arguments in favor of patenting over the cited Lansio reference. Applicant respectfully requests consideration of the enclosed amendments and remarks and issuance of a timely notice of allowance.

MPEP §707.02- "Special" application

Pursuant to MPEP §707.02, the supervisory patent examiners are expected to personally check on the pendency of every application which is up for the **3rd or subsequent** Action with a view to finally concluding its prosecution. Any application that has been pending **5 years** should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result the application is to be considered "special" by the examiner.

Applicant respectfully reminds the Examiner that this is the **5th Action** and the application has been pending for **well over 5 years**. Thus, Applicant requests that the application be considered "special" per the MPEP.

Additionally, Applicant wishes to note that the corresponding European Patent Application has been granted as European Patent No. 1439683A2 on July 4, 2007.

In the Claims

Claim Amendments

Applicant submits amendments to claims 1 and 7 to further define Applicant's invention. Support for the claim amendments may be found at, for example, page 6 lines 10-15, and page 9 lines 24-29. Applicant submits no new matter is being added.

Claim Objection

Claim 1 is objected to for a typographical error. Applicant submits an amendment herewith to correct "Appliance" to "Appliance". Reconsideration of the objection is respectfully requested.

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Claim Rejections

All claims stand rejected under 35 U.S.C. §§102 or 103 in view of Lansio et al., U.S. Publication No. 2003/0008640 published on January 9, 2003. For the following reasons stated below, Applicant respectfully traverses these rejections.

Lansio Reference

Lansio discloses a system and method for improved wireless data transmission using wireless devices. Referring to the passages cited by the Examiner, namely, Lansio paragraphs [0041]-[0049], Lansio includes an adapter 420 that receives a message from a wireless device 400 (transmitter) intended for a name server 412 (destination). Because device 400 is wireless, it does not know its own address. Thus, in replace of an actual address, the device includes a "predetermined symbol sequence" or "self address tag" as Lansio describes it. The adapter detects that the address of the device has been replaced by the self address tag. The adapter then determines the address of the transmitter or wireless device 400 in a number of disclosed methods (see e.g., [0045]-[0048]). Once the adapter has found out the address of the transmitting wireless device 400, the adapter replaces the self address tag with the address of the transmitting device and forwards the message to the name server 412 (destination).

In Applicant's June 9, 2009 Response, Applicant pointed out that Lansio fails to disclose that adapter 420 includes a memory and retrieve from its own memory "at least one value representative of said Appliance local information in association with a respective variable name" as recited in Applicant's claims. In fact, Lansio fails to disclose storing anything locally. In reply to Applicant's arguments, the Examiner alleges at paragraph 2 of the present Action that "the address information is inherently stored in the memory of the adapter [of Lansio], at least temporarily, since it is added to the outgoing message by the adapter." In other words, it is the Examiner's position that when the adapter receives the message and detects the address tag, it finds out the address of the transmitting device (by various methods described in Lansio, none of which are "matching said substitutable variable name with said value representation stored in said memory" as Applicant's amended claims recite), and replaces self address tag with the discovered transmitting device address, *so the transmitting device*

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address is stored in the memory of the adapter, at least temporarily. Although the Examiner's hypothesis is not literally supported in the Lansio disclosure, assuming the Examiner's theory is accurate, the adapter would not "store" any information until after receipt of the message from the transmitting device. This is clear because the adapter replaces the self address tag with the transmitting device address and because the adapter is able to receive message from a variety of wireless transmitting devices, it would be impossible to have every transmitting device address previously stored. Furthermore, Lansio discloses that the wireless transmitting device address is determined by a number of methods which all include referencing the "message" itself and the mode of transmission to determine the transmitting device address (see e.g., [0045]-[0048]). The adapter is not "matching" any variables with values *already stored in its memory* because there is nothing stored prior to receipt of the message.

Contrary to Lansio, Applicant's amended claims recite that prior to receiving a request message, the Appliance stores at least one value representative of said Appliance local information in association with a respective variable name, and then matches the substitutable variable name with one of the value representations stored in the memory.

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CONCLUSION

In view of the foregoing, Applicant respectfully requests: (i) assigning the application to "special" status; (ii) reconsideration of the objection to claim 1; and (iii) withdrawal of the Section 102 and 103 rejections. Should the Examiner wish to discuss any of the above in greater detail or deem that amendments should be made to improve the application, then the Examiner is invited to contact the undersigned at the Examiner's convenience. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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